

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALI MUGALLI HASSAN,

Defendant.

Case No. 18-cr-00219-PJH-1

**ORDER SETTING BRIEFING
SCHEDULE FOR MOTION TO
REDUCE SENTENCE**

Re: Dkt. No. 275

Defendant Ali Mugalli Hassan has filed a pro se motion for sentence reduction under 18 U.S.C. § 3582(c)(2). See Dkt. 275. Defendant's motion also asks that the court appoint counsel in connection with his motion. See id. at 1.

The Office of the Federal Public Defender has filed a statement indicating that "it does not intend to assume representation of Mr. Hassan," and that it "takes no position on his motion." See Dkt. 276 at 1.

There is no Sixth Amendment right to counsel with respect to a motion under 18 U.S.C. § 3582(c). United States v. Townsend, 98 F.3d 510, 512-513 (9th Cir. 1996). Nor is there a statutory right to counsel in connection with a motion brought under 18 U.S.C. § 3582(c). "A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance ... through appeal, including ancillary matters appropriate to the proceedings." 18 U.S.C. 3006A(c). A motion brought under 18 U.S.C. § 3582(c) does not constitute an "ancillary matter[]" requiring counsel to be appointed. See, e.g., United States v. Whitebird, 55 F.3d 1007 (5th Cir. 1995).

Because defendant is not entitled to appointed counsel for purposes of filing a

1 motion brought under 18 U.S.C. § 3582(c), the court will allow defendant's pro se motion
2 to go forward.

3 The court sets briefing deadlines on defendant's motion for reduction of sentence
4 as follows: the government shall file an opposition, stipulation, or status report by **March**
5 **1, 2024**. The Probation Office shall have until **March 1, 2024** to file a response to
6 defendant's motion. If the motion is opposed, defendant may file a reply brief 14 days
7 after the opposition is filed. The motion will thereafter be submitted on the papers.

8 **IT IS SO ORDERED.**

9 Dated: February 1, 2024

10 /s/ Phyllis J. Hamilton

11 PHYLLIS J. HAMILTON
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California